



## When a worker is injured.

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*A workers compensation  
guide for employers.*



State Insurance  
Regulatory Authority



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# Introduction

This guide is to help you understand what to do and what to expect when your worker is injured.

It outlines your obligations under workers compensation legislation, and provides practical advice to help get the best possible outcome for your worker and you.

This guide also explains the roles of the people in your worker's support team, including you, the insurer, approved workplace rehabilitation providers, doctors and allied health providers.

**Most injured workers take little or no time off work. For those that do, the vast majority (more than 80 per cent) return to and recover at work within the first 13 weeks.**

Advice and direction in this guide is based on a strong body of research and evidence about the health benefits of work. It explains how returning to and where possible, recovering at work after an injury, can promote healing and facilitate recovery.

The guide will help you identify suitable work options to support your worker to recover at work. It outlines actions you can take, including support programs, if the worker is not recovering as expected.

Please note, this guide does not cover injury prevention. For information on your work, health and safety obligations, go to [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au).

## Workers compensation in NSW

The State Insurance Regulatory Authority (SIRA) is the government organisation responsible for regulating the NSW workers compensation system. SIRA assumed the insurance regulatory functions of WorkCover on 1 September 2015. SafeWork NSW is the regulator for workplace health and safety in NSW.

There are three types of insurers in the NSW workers compensation system:

1. icare (insurance and care NSW) is a government organisation that delivers insurance and care services to people with workplace injuries under the NSW workers compensation scheme (known as the Nominal Insurer) and the NSW Self Insurance Corporation (known as SICorp).

The Nominal Insurer is the single largest workers compensation insurer in NSW and provides workers compensation insurance to most businesses within NSW. The Nominal Insurer contracts insurance agents to manage policies and claims on its behalf.

The five approved agents are:

- Allianz Australia Worker's Compensation (NSW) Limited
- CGU Workers Compensation (NSW) Limited
- Employers Mutual NSW Limited
- GIO General Limited
- QBE Workers Compensation (NSW) Limited.

SICorp provides workers compensation insurance to most public sector employers except those who are self-insurers. SICorp contracts insurance agents to manage policies and claims on its behalf.

The three approved agents are:

- Allianz Australia Insurance Limited
  - Employers Mutual Limited
  - QBE Insurance (Australia) Limited (QBE).
2. Self-insurers are employers approved by SIRA to manage their own workers compensation claims.
  3. Specialised insurers hold a restricted licence to provide workers compensation insurance for a specific industry or class of business or employers.

Regardless of which type of insurer is involved, they all have an obligation to support employers and their workers during the recovery process and manage the claim to ensure entitlements are received.

## Your obligations

Under NSW workers compensation legislation every employer is required to:

- have workers compensation insurance<sup>1</sup>
- display the *If you get injured at work poster*
- have a documented return to work program describing the steps you will take if a worker is injured
- maintain a record of work related injuries
- notify your insurer of all workplace injuries within 48 hours
- participate in the development of the worker's injury management plan, written by your insurer, and comply with your obligations within it
- provide suitable work (as far as reasonably practicable) when a worker is able to return to work, either on a full-time or part-time basis<sup>2</sup>
- provide suitable work that is (as far as reasonably practicable) the same as or equivalent to the work being performed at the time of the injury<sup>2</sup>.

**An employer must not dismiss a worker because of a work related injury within six months from when the worker first became unfit as a result of the injury<sup>3</sup>.**

## The evidence for recovering at work

Research shows that:

- for most people with a work related injury, time off work is not medically necessary
- an unnecessary delay in returning to work is often associated with delayed recovery – the longer a worker is away from work, the less chance they have of ever returning
- staying active after injury reduces pain symptoms and helps workers return to their usual activities at home and at work sooner
- working helps workers stay active which is an important part of their treatment and rehabilitation.

## The benefits to your business

Helping your worker to recover at work may reduce the financial impact on your business. It also helps you:

- maintain the skills and knowledge of an experienced worker
- reduce the cost of training a replacement worker
- maintain good employer-employee relationships
- demonstrate to all workers, that they are valued employees
- reduce the length of time your employees are away from work
- avoid the cost of hiring new staff.

The following four steps explain the workers compensation process and your role as the employer.

1 Penalties apply if an employer does not take out workers compensation insurance.

2 Penalties may apply if you fail to do this.

3 Section 248 of the *Workers Compensation Act 1987*.

# Step 1. Responding to an incident

If a worker receives a work-related injury there are specific obligations you as an employer are required to fulfil.

## Providing first aid

If your worker becomes injured or ill at work, provide immediate first aid (where appropriate) and seek medical treatment (if required).

## Reporting the injury

Your worker must notify you as soon as possible after an injury. A description of the injury is to be entered in your register of injuries.

Report the injury to your insurer within 48 hours of being notified. Your worker, you or your representative can make the initial notification to the insurer electronically, in writing or by telephone.

If you do not report the injury within five calendar days, you may pay a 'claims excess payment' which is equivalent to one week of the worker's weekly compensation payments.

When reporting an injury you will be asked to provide the following information:

1. The worker's name, address, contact telephone number and date of birth.
2. Name and address of your company.
3. Name of the treating doctor and contact number or name of the hospital.
4. Date and description of the injury and details of how it happened.

5. Name and contact details of the person making the notification and their relationship to the worker or employer.
6. Details of any time off work.

The following information, if available, should also be provided at the time of notification:

7. Date of the consultation with the doctor and a diagnosis. A copy of the *NSW workers compensation certificate of capacity*.
8. Your worker's capacity to recover at work and expected return to work date.
9. Your ability to support your worker to recover at work in suitable employment.
10. Your worker's pre-injury average weekly earnings (PIAWE).

Once reported, the insurer will provide you with a reference number. Make a note of it as you may need to track the notification in the future.

## A notifiable incident

If the injury or illness was the result of a 'notifiable incident' you must notify SafeWork NSW on 13 10 50 immediately.

A notifiable incident is a:

- death
- serious injury or illness
- dangerous incident.

Additional information about notifiable incidents and the penalties for noncompliance is available at [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

# Step 2. Supporting your worker

Understanding your worker's situation and offering support both at the time of injury and throughout the recovery process will have a positive impact on your worker's response to their injury and enable successful recovery at work.

You or your worker's manager can provide a supportive and positive environment in the following ways.

- **Discourage blame**  
Workers compensation is a 'no-fault' system in NSW. Explore ways to prevent future injuries and focus on helping the worker to recover. This will help build cohesive relationships.
- **Keep in touch with your worker**  
Stay informed and inquire after your worker by regularly phoning or visiting. Find out the estimated recovery time and provide updates and news of the office or work site. Invite your worker to meetings, morning teas or social events. Reassure your worker that they are missed and the team is keen for their return.
- **Ask appropriate co-workers to stay in touch**  
Encourage your worker's colleagues to phone, email, visit or text. If they are reluctant because they feel they don't know what to say to the worker, reassure them that positive and considerate contact will help them recover. A quick chat about some general news from the workplace or other topics of interest sends a positive message to the worker.

- **Address and resolve any outstanding issues**

A worker's recovery can be influenced by other issues within the workplace (such as conflict with a co-worker) or at home (such as transport difficulties). These can be barriers to returning to or recovering at work. Information about cultural, psychological and social risk factors that may affect recovery and return to work outcomes are available on page 12 or go to [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

- **Advise your worker of their obligations**

Let your worker know early on what you will do to assist in their recovery at work. Consider discussing reasonable expectations around the level of their involvement throughout the recover at work process. See *Other people involved* on page 9 for the worker's obligations.

## Early contact with the doctor

A worker who is away for more than seven consecutive days as a result of a work related injury or illness, must choose their preferred doctor (also referred to as the *nominated treating doctor*). Even if you have a preferred doctor or a medical practice located nearby, encourage your worker to make their own decision about where they wish to receive their treatment. Most workers choose their family doctor.

Early contact with the doctor demonstrates your commitment to your worker's recovery. It also gives you an opportunity to discuss your worker's normal duties and the availability of other duties.

If you are unable to speak immediately with the doctor, ask the receptionist for the best way and time to do this. Leave your details and make sure you are easily contactable.

Consider sending an email or fax to the doctor with information about the nature of your business, availability of duties and your contact details.

## NSW workers compensation certificate of capacity

The *certificate of capacity* is the main way in which the doctor communicates with the worker's support team. It is a standard form that a doctor must complete and replaces the former medical certificate.

The recommendations contained in the certificate will help your worker recover at work sooner. You are entitled to ask questions of the doctor and clarify the information in the certificate.

Questions you may ask include:

- what can the worker do?
- how long do you expect the worker to take to return to their normal duties?
- can the worker drive or use public transport?
- what can I do to help the worker recover at work?
- how can I best communicate with you about the worker's progress?



## Seeking your worker's permission

When your worker signs the *certificate of capacity* they authorise the doctor to provide relevant information about their injury or illness to you and the insurer.

If you want to contact the doctor before receiving your copy of the certificate (such as, during the worker's first consultation) to show your support and discuss suitable work, you will need permission from your worker first.

## Arranging a case conference

A case conference is a meeting that can include the nominated treating doctor, insurer, workplace rehabilitation provider (where applicable), the worker and you, their employer. They are separate to your worker's scheduled medical review and can occur any time throughout the claim.

Case conferences can be used to set goals, ensure roles and responsibilities are understood, and agree on time frames to recover at/return to work.

Meeting with your worker and their doctor can assist in the overall management of your worker's injury. You should encourage your worker to participate in these case conferences.

## Other people involved

Your worker's safe and timely recovery at/return to work is a team effort involving open, regular and caring communication. That's why they have a support team.

The team includes the insurer case manager, doctor, a workplace rehabilitation provider (if required) and you. Each member has an important role to play in your worker's recovery and these are outlined below.

## Your worker's role

Your worker's role is to focus on recovery and aim to stay at work in some capacity, or return to work as soon as possible. They must find a doctor to act as their nominated treating doctor (this is often their usual general practitioner).

## The insurer case manager's role

Your insurer appoints a case manager to coordinate all aspects of your worker's claim and is the primary contact for the support team. Their goal is to ensure your worker can return to their usual work in a timely manner with minimal disruption to your business.

## The doctor's role

The nominated treating doctor will assess, diagnose and treat your worker like any other patient. Within the workers compensation system, they will also assess your worker's capacity and support their recovery at work.

## The workplace rehabilitation provider's role

The approved workplace rehabilitation provider can help you and your worker resolve problems associated with the recover at/return to work process.

Workplace rehabilitation providers are health professionals who can address the physical, functional, psychological and/or workplace barriers that may affect a worker recovering at/returning to work.

The insurer will consult with you and your worker to identify and arrange referral to an approved workplace rehabilitation provider in your local area.

## Your role

You are required to provide suitable employment (where reasonably practicable) that matches your worker's capacity and supports their recovery.

The greater your ability to accommodate your worker, the less likely they will need time away from the workplace.

You may also consider:

- providing your worker with information about workers compensation and recover at work procedures
- collaborating with your worker to identify suitable work options
- providing information to the support team about the workplace, the worker's usual job and available short term suitable work options
- developing a recover at work plan that describes how you will support your worker
- building a strong relationship with your case manager who can provide assistance throughout your worker's recovery
- showing your commitment to your worker's recovery by:
  - regularly contacting the case manager and requesting involvement in meetings about your worker's progress
  - providing relevant information to help the case manager make fair and timely decisions, for example providing pre-injury average weekly earnings details.

If you have a Return to Work Coordinator, they will assist you with these responsibilities.

# Step 3. Identifying duties

Under the *Workplace Injury Management and Workers Compensation Act 1998* you are required to provide employment that is both suitable and, as far as reasonably practicable, the same as or equivalent to the employment the worker was in at the time of the injury.\*

If you cannot provide or identify suitable work, your insurer can help you with other options.

## Setting your worker's recover at work goal

Recover at work simply means helping a worker remain in the workplace in some way, so they can use work to build and improve their capacity following an injury.

When identifying suitable work options for your worker, the goal of returning them to the same job as at the time of injury is preferable. Sometimes, due to the nature of the injury or other circumstances this is not possible. In these situations, the goal reflecting the most direct path back to work is recommended.

When you set this goal, take into consideration the doctor's estimation of your worker's capacity for work. You can find this information in the NSW workers compensation certificate of capacity.

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## Identifying suitable work options

To identify suitable work options you may:

- familiarise yourself with your worker's pre-injury role
- discuss work options and available duties with your worker
- speak to your worker's supervisor or immediate manager and ask for suggestions about how to organise duties to fit current work routines and schedules
- review all the jobs your business has available and look at how they may align with your worker's skill set
- review the capacity of your worker as described on their *certificate of capacity*
- provide work that has been 'put on the back burner' or any good ideas you haven't had time to implement
- determine who else needs to be involved.

Consider the tasks closest to your worker's pre-injury duties as your first option. Duties can be offered in any of the following ways:

- the same job with different hours
- modified duties
- a different job altogether
- at the same or different workplace
- a combination of these options.

\*Note: Penalties apply if you do not comply with this obligation.

When identifying suitable work options keep the following points in mind.

- **Physical demands**  
Consider the physical demands of each task. For instance, changing a tyre might require standing, repetitive bending, twisting of the trunk and lifting and pulling heavy loads, while data entry may require prolonged sitting, prolonged and repetitive keying and sustained neck postures. Compare these demands with the doctor's assessment of your worker's capacity as described on their *certificate of capacity*. Changing your schedule of work tasks or temporarily incorporating more rest periods in jobs are ways of accommodating the physical demands of the task.
- **Psychological, cognitive and social demands**  
Consider the impacts of the injury, any medication your worker may be taking, and the compensation process, on your worker's ability to manage the psychological, cognitive and/or social demands of the duties you are offering.
- **Work environment**  
Consider whether the environment your worker is returning to is appropriate. Confined spaces, uneven surfaces or working alone may affect your worker's ability to undertake specific tasks.
- **Risk management**  
Consider tasks you can eliminate or substitute to reduce the risk of further injury and protect the health and safety of the worker and their co-workers.
- **Training/educating**  
If the duties identified fall outside what would be considered usual duties, consider whether your worker requires information, training or instruction to be able to complete the duties safely.

- **Psychosocial factors**  
Consider how the worker's personal circumstances influence their recovery at work, particularly if duties are offered at a different work site. Find out where they live and consider whether this creates difficulties getting to and from work. They may require travel assistance to help them recover at work.
- **Contributing to the workplace**  
Do the duties add value to the workplace? Duties that do not add value may cause your worker to become unmotivated. They could also lead to discontent among co-workers who may perceive the worker is not pulling their weight.

## Modifying the workplace

Consider aspects of the job your worker can perform within their current capacity and explore whether they may be able to perform some or all of their normal duties with assistance.

This could include the use of equipment or modifications to the work environment. For example providing a chair to a worker with an ankle injury, who would normally stand, will enable your worker to take a break from standing for long periods while still performing their usual job.

Funding for equipment and/or workplace modifications is provided where it is necessary to allow the worker to recover at work, or to accept an offer of suitable employment. The equipment or workplace modification may be specific to your worker's functional requirements or necessary to start a new work role. The cost of the equipment and/or workplace modification is funded by SIRA and is not considered a claims cost.

There is no minimum or maximum set payment however the worker must meet the eligibility criteria and the application must meet the principles described in the *SIRA equipment and workplace modifications program guidance material* – you can find these online at [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

## Assistance identifying suitable work options: workplace assessment

If you are having difficulties identifying duties in your workplace to accommodate your worker’s current capacity, a workplace assessment can be arranged by your insurer.

A workplace assessment involves an approved workplace rehabilitation provider assessing your worker as they perform a range of duties and determining their capacity to perform the duties safely.

The workplace assessment findings are discussed with you, the doctor and the worker to help you develop an appropriate recover at work plan.

You should speak with your insurer if you think you require a workplace assessment.

## Overcoming a lack of available duties: work trial

If you are unable to identify suitable work options that match your worker’s current capacity, a work trial can help overcome the problem.

A work trial places a worker with a host employer for a short period of time when the pre-injury employer is unable to accommodate their current capacity. The work trial is an opportunity for your worker to recover at work while performing duties suited to their current capacity. These duties can be upgraded over a period of time (no longer than 12 weeks) until your worker reaches the required capacity to return to your business.

An approved workplace rehabilitation provider will help you source a work trial host and submit a proposal.

Work trials are funded by SIRA and are not a claims cost. For more information, see the *Work trial guidelines* at [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

**There are financial incentives and support programs to help you help your worker to recover at work. Go to [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).**

## Demonstrating a lack of available duties

If you believe you cannot meet your legal obligations to provide suitable employment, you will need to show why. At a minimum, you should be able to:

- show who you consulted with (such as, your worker, supervisor, other workplace manager, approved rehabilitation provider)
- show that you carried out an adequate assessment of suitable or pre-injury work options
- identify factors you believe are restricting your ability to provide suitable or pre-injury employment
- identify the assistance you have sought, for example, from your insurer and/or an approved workplace rehabilitation provider.

A lack of available duties does not remove your obligation to actively participate in the recover at work planning process. It is important for your worker to stay active and, therefore, critical that alternate work options or strategies are identified.

# Ways to influence recovery at work

For most people with a workplace injury, time off work is not medically necessary. In many cases, with minor and temporary job modifications, your worker can recover at work. Consider the following factors that can influence a worker's recovery at work:

- **Social**  
Work provides valuable benefits including social interaction, job satisfaction, skill development and learning opportunities. It plays an important part in maintaining a worker's usual routine. Talking to your worker about these benefits may encourage them to resume normal activities and routines so they can recover sooner.
- **Economic**  
If your worker is unable to perform their usual work hours, they may be eligible to receive weekly compensation payments. These payments allow workers to focus on their recovery and are structured to encourage timely recovery at work.
- **Communication**  
Research shows good communication throughout the recover at work process is critical to achieving a successful outcome. If a breakdown in communication occurs or you foresee a risk to your worker recovering at work, consider requesting help as soon as possible. You can do this either by discussing your concerns with your insurer or contacting the Customer Service Centre on 13 10 50.
- **Expectations**  
Sometimes the actions and behaviours of co-workers can have a negative impact on your worker's recovery at work. It is important to manage expectations by keeping co-workers informed while maintaining confidentiality and putting appropriate measures in place to prevent and manage unhelpful and inappropriate behaviours.

- **Cultural differences**  
Workers from other cultures may have different values or belief systems that could impact on the way they respond to and cope with various situations. Awareness of this will help avoid misinterpretation of your behaviours or actions and any misunderstanding that may occur. If you think cultural differences may impact your worker's recover at work process, discuss your concerns with your insurer or contact the Customer Service Centre on 13 10 50 for advice.
- **Beliefs about pain**  
Research shows that when recovering at work, an increase in pain does not always equate to additional damage to the injury or a worsening of the condition. Some increase in pain is to be expected. However your worker may believe their pain is harmful and may avoid activities they expect to be painful.

Conflict can occur when you identify opportunities to assist your worker to recover at work and your worker perceives your action as uncaring because they believe they are unwell. While you want to help your worker return to a normal everyday life that includes work, your worker may believe they should rest at home until they are 100 per cent fit.

When addressing these issues it is crucial you remain supportive. Advise your worker to discuss their concerns about the impact of their duties on their pain with their doctor. You can also seek assistance from an approved workplace rehabilitation provider.

- **Flare ups**  
You and your worker may have concerns about the possibility of re-injury or aggravation of the existing injury during the implementation of your recover at work plan. It is best to start your recover at work planning early, and gradually and consistently increase your worker's activity over time. This approach has been shown to reduce the risk of re-injury or progression to a chronic pain condition.

# Step 4. Developing your worker's plan

Tailored planning is essential to a successful work outcome for both you and your worker.

## Developing the plan

Recover at work involves adjusting your worker's duties to match their capacity for work. It can be a gradual process where your worker returns to modified duties or reduced hours to accommodate their injury.

Your worker's recover at work plan should focus on what your worker can do rather than what they cannot. As the employer, your role in the support team is to identify suitable tasks and duties, while the doctor's role is to identify your worker's physical capabilities.

When developing a recover at work plan ensure you:

- give the worker the opportunity to participate in its development
- describe the plan in writing (download a template recover at work planning tool at [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au))
- discuss with your worker who will receive a copy of the plan and what injury management information should be shared with co-workers
- provide copies of the plan to your worker and the doctor
- provide the worker with written documentation of any changes made to the plan.

It is good practice to:

- keep a copy of the plan for yourself and give copies to the worker's line manager and your insurer
- inform line managers and co-workers (if required) of the plan's content
- monitor your worker's progress against the plan
- update the plan when the worker's medical restrictions change or if there is a change in the workplace that impacts the plan.

## Including your worker

Allowing your worker to have a say encourages their commitment to the recover at work plan and improves the likelihood of its success.

Listen to your worker's suggestions and concerns. Incorporate their input wherever possible while being clear about the options available.

If you and your worker are unable to agree to the plan, discuss the issue with your insurer and consider organising a case conference with the worker and their doctor.

Where a worker refuses to participate in a recover at work plan it is appropriate to seek assistance from your insurer.

# What to include in the plan

A template is available from the website or you can develop your own. The plan should include the following information:

- **Recover at work goal**  
Your worker's recover at work goal needs to be clear to ensure everyone is working towards a common objective. See *Setting your worker's recover at work goal* on page 11 for more information.
- **Your worker's diagnosis, capacity and restrictions**  
Include your worker's diagnosis, capacity for work and any restrictions specified in the *certificate of capacity*. If this information is unclear, contact the doctor and ask for clarification. If you are unable to speak to the doctor directly, provide your worker with a letter to give the doctor at their next appointment.
- **Treatment and/or rehabilitation arrangements**  
Include the number, frequency and agreed times of any current and/or planned treatment or rehabilitation. Treatment appointment arrangements will be dependent on the availability of treatment providers and the individual circumstances of the worker.
- **Available duties and hours to be worked**  
Indicate duties identified in consultation with the worker. Include any workplace modifications that may be necessary and how they are to be arranged – see *Identifying suitable work options* on page 11 for detailed information.
- **Supervisor arrangements**  
You may need to nominate a supervisor to ensure your worker works within the capacity specified by the doctor. Details of these arrangements should be described within the plan.
- **Review date**  
Regularly monitoring the plan for progress, effectiveness and recovery updates, helps support your worker. It also ensures arrangements are consistent with their work capacity and facilitates any adjustments that are required. It is recommended that you note any review dates specified by the doctor on the *certificate of capacity*.
- **Contact details**  
List the contact details of the support team within the plan.
- **Agreement**  
You and your worker must indicate (either in writing or verbally) your agreement regarding the duties identified in the recover at work plan. If agreement is verbal you must note it in the worker's recover at work plan. While there is no requirement for others to agree to the plan, providing a copy to members of the support team will help keep everyone updated.
- **Supplementary information**  
As the recover at work plan is used by a range of people it is helpful to include information about:
  - the roles and responsibilities of people involved in the process such as supervisors, managers, return to work coordinator and co-workers
  - the process for handling concerns or disputes
  - the process for disclosing information
  - any additional support that helps ensure a successful recovery at work.

Need a template for your recover at work plan? Go to [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

# Preparing colleagues for your worker's return

Feeling nervous or worried about returning to work is normal for a worker who has been off work for a period of time. Appropriate encouragement and support for your worker when they are returning and/or recovering at work is important. It is also important to make sure staff dealing with your worker:

- know the date their colleague is coming back to work
- have a copy of the recover at work plan (where appropriate)
- are aware of their important role in supporting the worker through the process.

# Monitoring and upgrading the plan

As your worker recovers, their capacity for duties at work will increase. You can gradually upgrade the plan by:

- increasing the hours of work
- reducing the number or length of rest breaks
- reducing assistance to the worker to complete tasks
- requiring the worker to perform more work in the same time period (increasing work pace)
- introducing new duties that allow increased physical or functional demand.

# Reviewing your plan

Regular plan reviews ensure your worker's recovery progresses. Progress can be monitored and reviewed both formally and informally.

- **Informal reviews**  
Informal reviews may be weekly and involve a chat between you, the worker and any staff involved in your worker's recover at work plan. Discuss the arrangements in the plan ensuring they remain relevant to your worker and workplace and identify any problems or concerns that may have emerged. In the early stages of the plan, check your worker's progress frequently as this is the time problems are most likely to occur.
- **Formal reviews**  
The timing of a formal review is generally determined by the review date on your worker's *certificate of capacity*. If your worker is progressing well and you and the worker agree to increased duties, suggest the worker make an earlier appointment to see the doctor to have their capacity reviewed.

If your worker is reporting difficulties following the plan and minor changes do not fix the problem, ask your worker to make an appointment with the doctor to have their capacity reviewed as soon as possible. It may be appropriate to consider a case conference with your worker and the doctor to discuss the issues.

## Updating your plan

Over time, as your worker's capacity increases, you will need to update the recover at work plan. Each version of the plan should describe the gradual updates to your worker's duties and reflect their current capacity. The plan must reflect all changes, even minor ones.

When creating a new version, consulting with your worker and seeking their agreement will promote ongoing commitment to the goal.

Provide a copy of the updated plan to your worker.

It is also good practice to:

- number each plan so everyone involved knows which is the current version for example, Plan No. 1, Plan No. 2
- provide copies of the revised plan to the worker's line manager
- consider the need to organise a case conference with your worker and their doctor if agreement between you and the worker cannot be reached
- ensure changes to the plan are focused on achieving progress towards the agreed outcome.

## What to do if the recover at work plan is not working

Weekly monitoring will help you identify early if the plan is not working. Act quickly to identify the problem, discuss it with your insurer and the doctor and consider strategies that could be implemented such as:

- referral to an approved workplace rehabilitation provider (if not yet involved)
- a workplace assessment to review the worker's capacity and/or identify additional duties to support upgrades in capacity
- provision of equipment or workplace modifications.

Agree to the most appropriate strategy together and update the recover at work plan, ensuring it is distributed to all the people involved in your worker's recovery process.



# Glossary

Term	Definition
<b>NSW workers compensation certificate of capacity</b>	The primary tool for the nominated treating doctor or treating specialist to communicate with all parties involved in the return to/recover at work process. The nominated treating doctor or treating specialist is responsible for completing the certificate. The worker is responsible for providing a completed certificate to you and the insurer in order to be eligible for weekly compensation payments.
<b>Worker</b>	A worker who has sustained a work related injury or illness, who is entitled to workers compensation under the legislation in respect of that injury or illness.
<b>Nominated treating doctor</b>	Is the medical practitioner your worker nominates (normally their GP) to manage their recovery and assist you in safely returning the worker to work.
<b>Pre-injury average weekly earnings (PIAWE)</b>	PIAWE is set by legislation and calculated by the insurer. The maximum amount is capped. Ask your insurer for more information or visit our website.
<b>Premium</b>	The purchase price for workers compensation insurance coverage. The premiums collected from NSW employers are used to cover the costs to administer the workers compensation system.
<b>Provisional payment</b>	The process through which an insurer is required to begin making weekly payments within seven calendar days (in most cases) of an injury being reported.
<b>Suitable employment</b>	<p>The <i>Workplace Injury Management and Workers Compensation Act 1998</i> requires employers to provide an opportunity to a worker to recover at/return to work by providing work for which the worker is currently suited. In determining whether work is suitable, an employer must consider:</p> <ul style="list-style-type: none"> <li>• the nature of the worker’s capacity</li> <li>• the worker’s age, education, skills and work experience.</li> </ul> <p>The employment provided must be suitable and as far as reasonably practicable, the same as, or equivalent to, the employment the worker was in at the time of the injury.</p>
<b>Approved workplace rehabilitation provider</b>	<p>Organisations approved by SIRA to provide specialised workplace rehabilitation services to help injured workers recover at/return to work.</p> <p>They are appropriately qualified, experienced and skilled to identify and design suitable work for the worker, to identify and coordinate rehabilitation strategies that ensure the worker is able to safely perform duties, and ensure all impacts on recovery at work are considered.</p>

# For more information

More information about workers compensation is available at [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

SIRA has a hotline for all enquiries about workers compensation claims, workers compensation insurance and work health and safety matters. You can phone us on 13 10 50.

If you have any issues about your worker's claim:

- Contact your insurer first. They are familiar with your worker's circumstances and trained to take action and/or escalate your concerns.
  - If you have raised an issue with the insurer and are dissatisfied with the outcome or decision, you can contact our Customer Service Centre on 13 10 50. They will review your issue including whether the insurer's management of the claim is in line with workers compensation legislation.
  - Contact the Workers Compensation Independent Review Office (WIRO). WIRO provides an independent complaints resolution service if you or your worker is unhappy with a decision made by the insurer. WIRO also provides funding for legal advice. For more information, call WIRO on 13 94 76 or visit [www.wiro.nsw.gov.au](http://www.wiro.nsw.gov.au).
- If further action is required and we are unable to assist we will explain your options. Depending on the nature of your concern or complaint you may seek assistance from:
    - Workers Compensation Commission [www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au)
    - NSW Ombudsman [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
    - Health Care Complaints Commission [www.hccc.nsw.gov.au](http://www.hccc.nsw.gov.au).



**State Insurance  
Regulatory Authority**

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#### Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers. However to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals, or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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